

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 20-cr-0316 WJ

TROY LIVINGSTON,

Defendant.

NOTICE OF APPEAL

Defendant Troy Livingston hereby appeals to the United States Court of Appeals for the Tenth Circuit from the judgment and sentence pronounced and imposed in open court on September 8, 2021 and filed on September 13, 2021 (ECF No. 80).

Counsel is appointed under the CJA. Mr. Livingston therefore requests that the filing fee for this appeal be waived as he is indigent.

Respectfully submitted,

/s/ Theresa M. Duncan

Theresa M. Duncan
Duncan Earnest LLC
515 Granite NW
Albuquerque, NM 87102
505-842-5196
teri@duncanearnest.com

Attorney for Defendant Troy Livingston

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served on all parties by operation of the Court's CM/ECF electronic filing system and pursuant to the CM/ECF Administrative Procedures Manual §§1(a), 7(b)(2), on September 20, 2021.

/s/ Theresa M. Duncan
Theresa M. Duncan